REMARKS/ARGUMENTS

Claims 1 and 25 are amended by entry of this response. No claims are canceled or added. Accordingly, claims 1-22, 25, and 27-34 will remain pending for examination.

Section 112 Claim Rejections

In the latest Office Action, the Examiner rejected claims 8, 10, 19, and 21 for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Specifically, the Examiner rejected these claims for insufficient antecedent basis for the claim term "the control processor." Applicant's refute this conclusion and submit that previously amended independent claims 1 and 12 provided proper antecedent basis and recited "wherein the partitioned data structure is generated from <u>a control processor</u>".

Section 102 Claim Rejections

Claims 1, 2, 11, 25, and 27 stand rejected as anticipated based upon U.S. Patent No. 6,963,926 to Robinson ("the Robinson Patent"). These claim rejections are traversed as follows.

Embodiments of the present invention relate to system and method for handling data plane failures. Specifically, certain embodiments disclose a separate control processor including a failure detector configured to detect data plane failures. Accordingly, independent claim 1 recites in part:

> 1. A method for handling failures in a data plane of a plurality of data planes, the method comprising:
> generating a partitioned data structure, wherein the partitioned data structure is generated from <u>a control processor separate from the plurality of data planes, the control processor including a failure detector</u>, and the data structure includes one or more partitions for each of the plurality of data planes, each partition including routes for a source data plane to a destination data plane;
> . . . detecting a failure in a failed data plane in the plurality of data planes, <u>wherein the failure detector is configured to detect the failed data plane in the plurality of data planes</u>; (Emphasis added)

Independent claim 25 also recites this claim feature.

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Amdt. dated May 18, 2007
Response Accompanying RCE

PATENT

The Robinson Patent is directed to a method of routing nodes in a communication system. In particular, the Robinson Patent discloses that nodes recognize failures in other nodes based on message alerts:

> Assuming now that there is a fault, either at the node NH or in the link LBH, and that <u>node NB ascertains by known means, e.g. alarm messages, failure messages or a timeout, that the attempt to forward the Setup Request message to node NH has failed</u>. (Emphasis added; Col. 6, lines 40-44)

As specifically recited in the Robinson Patent above, nodes do not recognize the failure of another node until a send failure message is returned to the sending node. Therefore, the nodes detect failures upon the receipt of a failure alert from the destination node. Moreover, each failed node is responsible for communicating a failure alert to any node attempting to communicate.

By contrast, embodiments of the present invention discloses a control processor separate from the data planes and configured to detect data plane failures and notify all data planes of the failed data plane. This type of configuration affords for a centralized and efficient method for detecting failed data planes. Further, failed data planes are detected instantaneously and removed from routing tables of other data planes to stop further communication. The Robinson Patent fails to disclose this claim limitation and therefore fails to anticipate all the elements of independent claims 1 and 25.

Section 103 Claim Rejections

Claims 3 and 29 stand rejected as obvious under 35 U.S.C. §103(a) based upon the Robinson Patent and in further view of the U.S. Patent No. 6,744,775 to Beshai et al. ("the Beshai Patent"). However, the Beshai Patent does not remedy the deficiencies of the Robinson Patent in regards to independent claims 1 and 25.

The Beshai Patent is directed to a method for updating link state information across a network. Like the Robinson Patent, however, the Beshai Patent requires that each node monitor the link status of other connected nodes (Col. 6, lines 67-Col. 7 line 2). As stated earlier, requiring each node to monitor its own link status is not analogous to a control processor separate from the data planes and including a failure detector for detecting failed data planes. As

such, the combination of the Robinson Patent with the Beshai Patent also fails to teach or suggest all the elements of independent claims 1 and 25.

Based upon the failure of the cited references to teach or suggest each and every element of the independent claims, it is respectfully asserted that these claims cannot be considered anticipated or obvious by the art relied upon by the Examiner. Continued maintenance of the anticipation and obviousness claim rejections is improper, and these claim rejections should be withdrawn.

Allowable Subject Matter

Applicants earnestly thank the Examiner for indicating the allowability of claims 12-18, 20, and 22. The Examiner also indicated the allowability of claims 4-7, 9, 28, and 30-34 if rewritten in independent form. Applicants maintain that these claims depend from allowable base claims per the arguments above. Therefore, Applicants believe amendments to these claims are unnecessary in order to overcome the cited references.

<div align="center">

CONCLUSION

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In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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